

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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JOHN DAY,

Plaintiff,

-vs-

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.  
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: CASE NO. 1:13 CV 774

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: MEMORANDUM OF OPINION AND  
: ORDER ADOPTING THE  
: MAGISTRATE JUDGE'S REPORT AND  
: RECOMMENDATION AND  
: REMANDING FOR FURTHER  
: PROCEEDINGS

UNITED STATES DISTRICT JUDGE LESLEY WELLS

Plaintiff John Day challenges the Commissioner of Social Security's ("Commissioner") denial of his application for a Period of Disability ("POD") and Disability Insurance Benefits ("DIB"). (Docket No. 1, Complaint). This matter was automatically referred to United States Magistrate Judge Greg White for a Report and Recommendation ("R&R"), pursuant to Local Civil Rule 72.2(b). In his R&R, Magistrate Judge White recommended this Court remand the case, because the final decision of the Commissioner was not supported by substantial evidence.

On 7 April 2014, the Commissioner filed a response to the R&R indicating that she would not be filing any objections. (#18). The Court accordingly adopts Magistrate

Judge White's R&R in its entirety. The final decision of the Commissioner is vacated and the case is remanded for further proceedings consistent with the R&R.

IT IS SO ORDERED.

/s/Lesley Wells  
UNITED STATES DISTRICT JUDGE

Dated: 16 April 2014